

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, MARCH 19, 2009, 1:00 P.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Pat Haukohl	Bob Peregrine	Jim Siepmann
	Walter Kolb	Bonnie Morris	Bill Mitchell

Commission

Members Absent: Gary Goodchild

Staff

Members Present: Jason Fruth, Senior Planner
Kathy Brady, Secretary Supervisor
Amy Barrows, Senior Land Use Specialist

Guests Present: Mike Hahn Bob Stoltz Owen Nason

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES

- *Mrs. Morris moved, seconded by Mr. Peregrine, and carried unanimously for approval of the February 19, 2009 Minutes.*

PUBLIC COMMENT None.

SCHEDULED MATTER:

- **1:05 p.m. Presentation on the Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds by Mike Hahn, Chief Environmental Engineer, SEWRPC**

Mr. Hahn explained that the Plan provides recommendations to abate water pollution, is the basis for issuance by WDNR of Wisconsin Pollutant Discharge Elimination System permits and the basis for public and private sanitary sewer extension approvals. The Plan objectives are to develop a watershed-based plan by addressing all water pollution sources, to cost effectively improve water quality, meet designated water use objectives and water quality standards and criteria and to consider alternatives to meet current regulations for point source control if a greater improvement in water quality can be achieved cost effectively. The study included nine counties and 88 municipalities. Chapters can be viewed at www.sewrpc.org under "Water Quality Management Plan" and "Plan Chapters". The Commission thanked Mr. Hahn for the informative update.

- **ZT-1687 (Jack and Linda Schwerman) Town of Delafield, Section 27 (A-1 Agricultural District to the A-2 Rural Home District)**

Mr. Fruth presented the "Staff Report and Recommendation" dated March 19, 2009, and made a part of these Minutes. He pointed out the location of the property, on the southeast side of Maple Avenue, in the Town of Delafield on the aerial photograph.

Mr. Fruth indicated the petitioner owns a total of 120-acres on five different parcels. The proposed request is to rezone ten acres of the 120-acres to create two (2), five (5) acre parcels for family members (Lots 2 and 3) with the remainder lands being Lot 1. The Commission questioned the location of the proposed lots on the property. Mr. Fruth suggested the particular location may have been chosen for access points onto Maple Avenue. Mr. Siepmann clarified that the Certified Survey Map will have three (3) lots, and asked if Lot 1 could be further divided in the future? Mr. Fruth replied, there is nothing preventing the petitioner's from further dividing the remainder lands, and he was unaware of the petitioner's long-term vision for the property.

After discussion, Mr. Kolb moved, seconded by Mr. Peregrine, and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **ZT-1688 (Daniel Stoltz) Town of Eagle, Section 36 (C-1 Conservancy District to the RLO – Residential Lake Overlay District)**

Mr. Fruth presented the "Staff Report and Recommendation" dated March 19, 2009, and made a part of these Minutes. He pointed out the location of the property, at W344 S10514 C.T.H. "E" in the Town of Eagle on the aerial photograph.

Mr. Fruth indicated that the 2008 FEMA floodplain analysis and County Zoning Maps show the property is located outside of the floodplain. However, the Town's maps indicate the property was located entirely within the floodplain. The rezone is being requested to correct a mapping error. He pointed out there are other mapping issues, specifically in the Clarks Park area (west of C.T.H. "E"). The County is in the process of modernizing and incorporating the new FEMA study into all of the Town maps. Due to the fact that the petitioner is planning an addition/remodeling of the residence, it was felt the matter should be taken care of now instead of waiting for the global "fix" of the maps. Mrs. Morris asked, when the entire mapping change for the County is complete, are the maps automatically updated or brought forward as a Comprehensive update? Mr. Fruth responded, that all of the map amendments for the County will likely be brought forth at a single public hearing. He pointed out that the new 2008 FEMA Floodplain maps, the new 2005 Southeastern Wisconsin Regional Planning Commission environmental corridor inventory, better high groundwater mapping and the 2005 wetland inventory maps would be utilized for the County's mapping. Mrs. Morris asked when the update would be completed? Mr. Fruth indicated the draft maps should be completed sometime this summer. Mrs. Morris asked if the individual property owners which have lots that will be affected would be notified? Mr. Fruth answered, given the scale of the changes, he did not anticipate that the County would be mailing individual public hearing notices to property owners. He added that individual municipalities may choose differing methods of notifying individual property owners of the proposed map changes.

After discussion, Mr. Siepmann moved, seconded by Mr. Mitchell, and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU-121F (Stoneridge Farm) Town of Vernon, Section 10**

Mr. Fruth presented the “Staff Memorandum” dated March 19, 2009, and made a part of these Minutes. He pointed out the location of the property at S75 W24580 National Avenue in the Town of Vernon on the aerial photograph and stated the petitioner is requesting to amend Condition No. 6 of the existing Conditional Use to eliminate the requirement for the submittal of a Plat of Survey.

Mr. Fruth indicated the property is located on the north side of C.T.H. “ES” in the Town of Vernon containing a horse boarding and training operation. A number of amendments to the Conditional Use were approved by the Commission in October 2008. One of the conditions was that a Plat of Survey showing all existing structures and the locations of the proposed signage and trailer parking be submitted. The petitioner is requesting the requirement for the Plat of Survey be removed. They have submitted an aerial photograph (based on the County’s Internet Mapping site) showing the location of the trailers being 34’ from the road right-of-way of C.T.H. “ES”. However, the Department of Public Works indicated the right-of-way is 50’ from the center line of the road showing the trailers are located 14’ from the right-of-way. Based on the Waukesha County Zoning Code, the trailers must be a minimum of 10’ from the road right-of-way. The Planning and Zoning Division Staff recommends that only one of the two trailers proposed may be parked between the barn and the road right-of-way unless the petitioner submits a Plat of Survey showing there is more than 14’ between the trailers and the road right-of-way.

After discussion, Mrs. Morris moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCU-1051C (Pewaukee Yacht Club) Town of Delafield, Sections 13 and 24**

Mr. Fruth presented the “Staff Memorandum” dated March 19, 2009, and made a part of these Minutes. He pointed out the location of the property at N22 W28204 Edgewater Drive in the Town of Delafield on the aerial photograph and stated the request is to clarify and recommend changes to the Town of Delafield Conditional Use Agreement dated February 12, 2008.

Ms. Barrows, Senior Land Use Specialist indicated the Commission approved an amendment to the petitioner’s Conditional Use in February 2009, regarding a modification in size and location for an existing boat launch. It has since come to the attention of the Staff that over time, minor amendments were made to the Conditional Use and in 2008 an entirely new Conditional Use Agreement was written and approved by the Town, which incorporated all of the amendments to the Conditional Use since 1995. During that process the petitioner and Town made additional changes that the County had not reviewed. She indicated that a number of conditions on the Conditional Use agreement were incorrect. The Town Engineer agreed to re-draft a new Conditional Use agreement with all of the conditions approved by the Town and County. Ms. Barrows pointed out that since the changes to be made in the new agreement do not affect the boat launch, the Planning and Zoning Division Staff is willing to issue a Conditional Use Permit for the previously approved boat launch.

After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCS-1046 (Marni Lynn, Rebecca Young and the Estate of Ruth Vollmer) Town of Mukwonago, Section 35**

Mr. Fruth presented the “Staff Memorandum” dated March 19, 2009, and made a part of these Minutes. He pointed out the location of the property at W299 S10620 and W298 S10640 Phantom Woods Road, in the Town of Mukwonago on the aerial photograph and stated the petitioner is requesting to reduce the established road right-of-way of Circle Drive in the area abutting a proposed Certified Survey Map (CSM) from 66 ft. to 30 ft.

Mr. Fruth indicated the proposed Certified Survey Map would combine five (5) existing non-conforming lots into two (2) conforming lots, each containing a single-family residence. The waiver would eliminate a requirement for the dedication of an additional 18 ft. of road right-of-way along the east side of Lot 1 and the west side of Lot 2. Without the waiver, the area of the proposed Lot 1 would not meet the required minimum lot size of 30,000 sq. ft. In addition, the Planning and Zoning Division Staff is recommending that the Town of Mukwonago vacate a portion of the Circle Drive right-of-way on the east side of the CSM, along with the 16 ft. wide right-of-way between Lots 41 and 44. Also, Circle Drive, in the vicinity of Lots 33-36 and Lots 19, 20, and 23 is constructed outside of the platted right-of-way and should be corrected.

After discussion, Mrs. Morris moved, seconded by Mr. Kolb, and carried unanimously for approval, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCS-1088 (Owen and Holly Salzman) Town of Oconomowoc, Section 24**

Mr. Fruth presented the “Staff Memorandum” dated March 19, 2009, and made a part of these Minutes. He pointed out the location of the property at W349 N7112 Norwegian Road in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a waiver from Section 2.3 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, which requires all remnant parcels to be included on a Certified Survey Map.

Mr. Fruth indicated the petitioner’s farm is approximately 163 acres in size, located in the Agricultural Land Preservation District. They are proposing a CSM to create lot for their son, approximately 1.6 acres in size. The Planning and Zoning Division Staff is recommending approval of the request with conditions.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Mitchell, and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCS-1089 (Michael and Jennifer Theim) Town of Oconomowoc, Section 35**

Mr. Fruth presented the “Staff Memorandum” dated March 19, 2009, and made a part of these Minutes. He pointed out the location of the property in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting to reduce the established road right-of-way width of Shady Lane from 66 ft. to 50 ft.

Mr. Fruth indicated there is a Certified Survey Map affiliated with the request which would combine two (2) legal non-conforming lots into one lot for mortgage purposes. He noted the existing 50 ft. right-of-way provides sufficient room for emergency vehicle access and the Town of Oconomowoc Plan Commission and Town Board have approved the request.

After a brief discussion, Mr. Mitchell moved, seconded by Mr. Kolb, and carried unanimously for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **Amend the Regional Water Quality Management Plan for the City of Muskego**

Mr. Fruth presented the "Amendment to the Regional Water Quality Management Plan for the City of Muskego" dated March 2009, and made a part of these Minutes.

Chairperson Haukohl expressed concerns regarding the amount of Environmental Corridor included in the sewer service area. Mr. Fruth said it is not uncommon that a sewer extension would include lands in the Environmental Corridor, however, there are requirements for those types of lands to be developed in conformance with SEWRPC standards for environmental corridors. Five existing residences would be served along with future residential uses estimated to accommodate approximately 150 persons.

After discussion, Mr. Mitchell moved, seconded by Mr. Siepmann, and carried unanimously for approval, in accordance with the "Amendment to the Regional Water Quality Management Plan for the City of Muskego" dated March 2009.

ADJOURNMENT

With no further business to come before the Commission, Mr. Mitchell moved, seconded by Mr. Kolb to adjourn at 2:30 p.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:kab